

Meeting #8 Summary: February 17, 2021

The meeting was held virtually

A list of acronyms used is on p. 4 of this meeting summary

ATTENDEES

Advisory Committee members in attendance, and the organizations and interest groups they represent:

Jeff Clarke (WASWD), small-medium treatment plants; **Joseph Grogan** (Coupeville), small treatment plants; **Patrick Kongslie** (Pierce County/PNCWA), all treatment plant sizes; **Eleanor Ott** (Ecology), state agencies; **Mindy Roberts** (WEC), PSNGP AC environmental groups caucus lead; **John Rabenow** (Everett), large treatment plants; **Rebecca Singer** (King Co), large treatment plants, PSNGP AC Chair, and PSNGP AC local utility caucus lead; **Valerie Smith** (Dept of Commerce), PSNGP AC state agencies caucus lead; **Wendy Steffensen** (LOTT), treatment plant with nutrient removal; **Dan Thompson** (Tacoma), large treatment plants; **Alyssa Barton** (for Bruce Wishart, Puget Soundkeeper), environmental groups; **Jenny Wu** (USEPA), PSNGP federal agencies caucus lead.

Advisory Committee members not in attendance:

Chip Anderson (Lummi Tribe Sewer District), tribal facilities; **Pete Tjemsland** (Sequim), small treatment plants.

Advisory Committee alternates in attendance, and the AC member each is designated to represent:

Judi Gladstone (Jeff Clarke), **Teresa Peterson** (Dan Thompson).

Advisory Committee alternates not in attendance:

Abby Barnes (Valerie Smith), **Terri Prather** (Wendy Steffensen).

Ecology's AC support staff in attendance:

Rian Sallee (meeting facilitator), **Frances Bothfeld** (meeting logistics coordinator)

The list of other individuals that registered for the webinar begins on p. 4 of this document.

Purpose of this committee

To advise Ecology in drafting general permit requirements for domestic wastewater treatment plants discharging directly to Puget Sound that will lead towards reducing nutrient loads.

Ecology's goals for the first PSNGP

The first permit should stop the water quality problem from getting worse and require plants to take meaningful steps towards making future reductions that meet water quality standards. At the same time, the PSNGP needs to somehow accommodate approved capacity commitments identified in comprehensive and general sewer plans to support smart growth. Additional goals include flexibility for communities to collectively address nutrients and consistent monitoring requirements for all permittees.

Preliminary draft permit language discussion

The AC discussed the preliminary draft permit conceptual framework that is currently out for a public comment period. Ecology held two information sessions prior to today's meeting. Ecology is still seeking feedback to inform the formal draft and expects individual organizations to submit comments in writing. AC members want to understand action levels (ALs) and triggers so they can comment constructively.

Ecology's permit writer focused on providing clarity on the preliminary draft language and helping the AC members understand how last fall's AC recommendations were used:

- Ecology used AC recommendations document as much as possible to draft the preliminary document. Tried to capture incentives for the 14 plants that are already performing well, maintaining < 10 mg/L TIN effluent concentrations.
- Even facilities that exceed action levels will remain in compliance with the permit as long as adaptive management steps are followed. Two action levels for each facility. Eleven facilities didn't have sufficient data. Used 3 years of data in the calculations, excluding COVID months. Permit writer acknowledged the lack of AC agreement about calculation method.
- Annual optimization report will be necessary for all facilities.
- Ecology can use enforcement discretion to address exceedances of conventional parameters during pilot tests, process changes but individual permit modifications might be needed to define the response to non-compliance to prevent a violation.
- Tiered nutrient reduction actions are meant to build on each other. Because all plants are different, there is some overlap. Looking for possible guidelines to support plant justification of each action. Tier 3 are more substantial than tiers 1 and 2, overlap with planning requirements, and could include a pilot study or side stream treatment; still looking for suggestions about what options to include in this tier.
- Nutrient reduction evaluation will be required. Permit will remain silent on a regional study but will describe the possible approach in the Permit Fact Sheet. Plans currently in process can meet this permit condition as long as minimum requirements are satisfied.

All text boxes are areas where AC recommendations didn't provide a clear path. Ecology wants more input from the regulated community and others on those topics, especially ideas for appropriate tiered actions. Please submit your answers to the questions in the text boxes as part of your comments; restate the question if it seems necessary to make it clear what the comment is addressing. The formal draft permit will be available for public comment beginning at the end of April or in May, depending on the volume of comments.

Q&A/discussion following the permit writer's overview:

- Several AC members like the different approaches for plants already <10 mg/L; the permit captures the intent of discussions. Other discussions about these plants:
 - The LOTT representative expressed that the outline is doable and fair, but they'd like an off-ramp for AL_o and shouldn't have to provide annual report if able to stay below AL_o.
 - Pierce Co appreciates the approach, and that pilot data were excluded from the calculation. Wonders why do plants <10 mg/L have an AL_o that is "just a number"? Why not "N/A"? and why 85% of design instead of entire amount? Seems punitive to plants already optimizing.
 - Want 2 AL's for each plant to drive optimization and further improvements. Need to evaluate effectiveness with lower threshold. Upper threshold allows use of permitted capacity, 85% would kick you into planning requirements to maintain capacity, anyway.
 - What if plants <10 exceed 10 mg/L? Do they change categories? Is there a grace period?

- Compliance is based on annual load and we looked at past concentrations, should have enough flexibility to address this. Don't envision changing categories in the permit term.
- Several utility caucus representatives expressed that the monitoring seems excessive. This section was based on the AC agreements in the recommendations document. Permit writer is attempting to balance this burden while providing enough information to drive upgrade design.
 - Some but not all utilities will need additional FTE (including weekends) to meet requirements even though the exception is noted. This requirement can be more strategic and still accomplish what we want.
 - Coupeville doesn't agree with CBOD, which is not in current permit and current draft doesn't list what methods will be acceptable [Note: all EPA approved methods listed in Appendix A of current permit]. It will be hard to justify the cost to municipal leadership. We could collect extra BOD samples more easily than adding CBOD. Uncommon parameter – new equipment is necessary. Are both TOC and CBOD needed for SSM? Permit writer believes just TOC. Looking for ability to use correlation between parameters.
 - Effective date of the permit is 30 days after issuance, and if monitoring takes effect 30 days later that's not sufficient time to hire the staff and get budgets approved and contract laboratory capacity. It doesn't seem like a reasonable timeline to upgrade lab equipment and get accreditation. Ecology needs to contact contract labs so they're aware of increased analytical needs.
 - What about paper versus web portal DMR submission? Is this duplicate entry? Can we enter the data and have the totals calculated/populate both DMRs? You will have a separate DMR, but we have IT looking at blended DMR with individual permits. We want to streamline as much as possible.
 - Can effluent flow monitoring be calculated rather than continuous metered? Whatever the plant is doing for the individual permit should be fine for this permit.
 - Any chance to change monitoring frequencies? Can we get baseline and provide an off-ramp for lower frequency? Can we ramp up rather than starting with everything? Yes, request for reduction steps would be in permit. Prefer to start high and reduce, but can consider a ramp-up approach. Would prefer to be upfront with monitoring rather than adding additional requirements later.
- Private and industrial plants excused because they are a small portion of nutrients and also static. 30 small public plants are less than 1% of total load, why aren't they also excluded? What are ECY's goals for the smaller plants? Localized inputs shouldn't be treated the same way as far field inputs. Doesn't seem cost-effective.
 - All plants need to meet water quality standards. Size is just part of the reason. Even small plants have localized impacts. Industrial facilities cannot be covered by this permit because they are different kinds of discharge- that's clear in the CFR. The private facilities are grandfathered under other permitting rules; they had NPDES permits before a rule change (WAC 173-220-150(4)(a)) that specifically excludes private facilities. WEC is concerned about the private plants located in sensitive areas and suggested that perhaps a change in state law is needed to address this problem.

- About the text box question about regional study, it might be beneficial to every discharger. If you opt in, is there a pass on other things? What about plants <10 mg/L?
 - Ecology received feedback that larger plants are already starting their own studies. Makes more sense for this to be for the smaller plants. Agree there would be a benefit to adaptive management and optimization. Short term focus might miss the boat – timing problem since the basis for the permit is adaptive management. Need more clarity on what regional study could do other than short term investigations.
- Is there any thought of bubble permitting? Why is the permit silent on trading? King County would like to explore this path to meeting WQBELs.
 - Trading isn't off the table, we need WQBELs and equivalency factors first. Bubbles for plants operated by the same jurisdiction might be possible in this first permit cycle.
- The permit seems to be designed for long term but WQBELs aren't available yet. Why should we design a 10 year plan when requirements will change in 3 years? Could be more straightforward. Why design a new facility if it will fail to meet the [unknown] limits.
 - ALs short term, within this 5-year permit, to set plants up to meet standards sooner. Plants need to evaluate efficacy of upgrade alternatives, but not select a final design.
- If we're asked to design side stream, will we have to implement it? Clarify – are side stream, and the nutrient reduction evaluation both Tier 3 options that utilities can select?
 - Tier 3 presents a list of actions that are options for looking into different processes that could be a solution for your plant. If your facility is growing and you need to do more than Tier 1 and 2 you might have to implement an intermediate solution. Yes, idea is for utilities to select an action that is most appropriate for their plant. Ecology is also looking for additional actions that would be appropriate for this (and all) tiers.
- How will next permit look different? It was difficult to read. Please explain all of the dates in a timeline/checklist approach.
 - This draft is a blend of fact sheet and permit framework. Formal draft permit will look very different. Actual permit language will be structured with special conditions structured similarly to individual permits, with a fact sheet that explains the basis. The final permit will have a submittal schedule.
- Puget Soundkeeper is curious about levels set in the draft – how were they calculated? Was some data from during the pandemic excluded? Will ECY be sharing the data that was used?
 - Each permittee has been invited to review their input files and data range used and work through the calculations with their permit manager to get proposed changes submitted during this comment period. We can set up another meeting with non-permittees to go over the data and calculation.
- Are moratoriums coming? “cannot continue to increase in an uncontrolled manner”
 - As long as plants are doing the Tier 3 actions they are in compliance. This is why there are two action levels.
- We keep seeing “speed speed speed” in this permit, these things take a long time. It's not our fault. Even permitting takes a long time.
 - Ecology wants you to be ready to hit the ground running in the second permit term.
- Who will approve the nutrient reduction evaluations?

- Ecology regional permit writers will work with HQ permit writer to get the approvals done consistently and in a timely manner. Follow [permit fee rule](#) to see about funding for additional staff.
- How/when will Ecology clean up permit duplication?
 - We can modify or reissue the individual permit unless it is an expired permit.
- At Everett's CSO plant ALs will likely be driven by weather events. Will we be rolled back to a previous tier or forever locked in? You should be able to revert back if you fall below an action level at the annual assessment period; the draft is silent on CSOs.
- AC discussed amount of data available for each facility. Is there a table of how much data are available? What was the direction to permit managers for the data that should be used? Why is it different? Why some are some plants using data back to 2013 data? What was the minimum number of data points?
 - The permit managers have input files for each facility that can be shared for any plant of interest. Lots of excel files exist, including a summary of data range for each facility. The direction was to take three years of data excluding Covid months. The permit manager determined what was representative. The individual permit managers and Steve Hood will need to answer questions about the minimum data set.
- Was there part of the permit that was more difficult to write? What would benefit you most?
 - The planning piece – what does make sense in the short term and gets plants prepared for the second permit without wasting resources; interconnected with Tier 3.
- EPA likes the framework and two baselines and is looking at this approach for permits they will be issuing for federal and Tribal plants. From a permit writers perspective it's a good framework.

Review of possible funding strategies

Update on the status of \$9M in state funding: this Ecology request is in Governor Inslee's budget, but the legislature is still in session. Ecology is moving forward with plans to distribute the funds somewhat following stormwater grant guidelines to make the application easy. Ecology is looking for feedback on how to allocate the funds: Should they be split equally? Should there be a hardship consideration to weight applications in favor of lower income communities?

Utility and environmental caucuses have continued to meet since the last AC meeting in October to discuss areas of agreement and disagreement and ways to move forward to meet water quality goals. Mindy Roberts wrote a joint letter from the two caucuses that has become two letters still under development. One is to the federal delegation calling attention to role of water infrastructure funding. The second is specific to this \$9M. The environmental caucus has flagged this as important capital budget item. Mindy is looking for other sign-on organizations for both letters, to be sent next week. Puget Soundkeeper supports new and creative funding opportunities at state and federal levels, and is pushing for more State Revolving Funds at the national level with other organizations.

Valerie Smith is on the Infrastructure Assistance Coordinating Council whose goal to coordinate the amount and timing to match other projects going on in your community.

Understand recent discussions about trading

Rebecca Singer gave an update on King County's engagement with Freshwater Trust. King County looking at WQ improvements holistically, encompassing point and nonpoint/unpermitted sources. The Trust is drafting a playbook (a tool) for the region to look at our regulatory requirements and feasibility of trading as a pathway for success for both WWTPs and stormwater, recognizing that upstream watershed improvements will benefit downstream water quality. King County needs others on board and hopes the permit includes some kind of alternative language that would allow them to continue to pursue this approach. King County wants to pilot a trading program and implement some scenarios to see what those improvements would look like. Do AC members want to be involved?

Puget Soundkeeper is worried about idea of a pilot study that sounds like a TMDL or TMDL alternative which is Ecology's responsibility and must include waste load allocations and enforcement provisions; nonpoint sources would be problematic. EPA feels devil will be in the details, trading has to be in compliance. Another concern is that each pound of nitrogen has a different impact, and most nonpoint sources are in the winter when problem is lower. More work needed because this can't be oversimplified. King County cannot substitute nonpoint reductions for its regulatory obligations for WWTPs.

A possible alternative starting point is the PS Nutrient Reduction Plan; consider it taking up at the Forum and syncing up with Ecology's work. Is there a way to leverage permit to get modeling done through regional study with ECY oversight?

Tualatin and Medford regions in OR have done trading. Equivalencies need to capture the benefit appropriately. Focus on getting treatment faster than would have otherwise happened. Our WQ trading specialist will participate.

Public comments

Note that these comments are not part of the record for the permit. Commenters were instructed to follow Ecology's process on the webpage for making comments by March 15.

- **Tom Swartout (Parametrix):** no further questions, appreciate the efforts
- **Chris Sheridan (Kitsap):** preliminary draft is silent on reclaimed/recycled water as a viable alternative. Ecology should reflect elimination of a discharge as optimization.
- **Corrin Hamburg (Anacortes):** CSO plants have variable loadings, weather dependency is a huge concern. We'll sift through data with PM. Last 3 years not representative of our true loading.
- **Jim Voetburg (Mukilteo):** draft says plants <10 just need to do optimization, monitoring. No NRE is the only benefit. Doesn't make sense to focus on opt and monitoring. Wait for WQBELs. Many comments throughout process on minimal portion of input from plants <3MGD. So much less than big plants. Keep these plants to tier 1 until they have compliance schedules
- **Teresa Peterson (Tacoma):** appreciate work. Lots of concerns about triggers and limits – how calculated, and about robust monitoring by facilities not certified. ECY should reach out to contract labs. Also concerns about required actions. Will submit written comment. Will AC continue to meet? Should continue as process moves forward.

Next Steps

Do AC members want to meet again during the formal draft public comment period? Several members

agreed that it is very helpful to hear others' feedback and to get clarification. Ecology staff will schedule the meeting once date of formal comment period is more certain.

Closing comments: The next Forum meeting is scheduled for Tuesday, March 9 from 1-3pm and is germane to many of today's discussion topics. It's disappointing that Ecology is engaged in the lawsuit Tacoma filed before end of year. Ecology's permit writer is available for follow up conversations.

List of acronyms and abbreviations used in this meeting summary

AC – Advisory Committee

CBOD – carbonaceous biological oxygen demand

EPA, or USEPA – U.S. Environmental Protection Agency

Forum, or PSNF – Puget Sound Nutrient Forum

LOTT – LOTT Clean Water Alliance (a wastewater utility in Olympia, serving the urbanized areas of Lacey, Olympia, and Tumwater in Thurston County)

PSNGP – Puget Sound Nutrient General Permit

WASWD – Washington Association of Sewer and Water Districts

WEC – Washington Environmental Council

WQBELs – Water Quality Based Effluent Limits

WWTP – Wastewater Treatment Plant

Other individuals that registered for the webinar:

Others attending: Chris Bacha, Nina Bell, Frances Bothfeld, Kat Brooks, Eric Burris, Brett Burrows, Eileen C, Klinton Callier, Tom Coleman, David Clark, John Conway, Bill Davis, Karen Dinicola, Ryan Dunne, Gary Duranceau, Heather Earnheart, Kirk Elliot, John Ewell, Kelly Ferron, Bryce Figdore, Heidi Fitzgerald, Catherine Gowan, Josiah H, Corrin Hamburg, John Henderson, Kevin Hushagen, Eron Jacobson, Tom Knuckey, Christina L, Jeff Lafer, Duane Leach, Ned Lever, Amanda McInnis, Randal Martinez, Marc Montieth, Cassandra Moore, Jeff Morgan, Bliss Morris, Kevin Patching, Dave Peeler, Randi Perry, Laurie Pierce, Don Reitan, Patrick Roe, MKS, Don Seeberger, Chris Sheridan, Angie Silva, Brett Stark, Tom Swartout, Chris Thomas, Amanda Tobin, James Tupper, P Wendling, Scott Wilson, Wayne Wooster, Melissa Wu, Stella Vakarc, Jim Voetberg, Jason Yost